

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Allowance of Claims 15-18, 20 and 35.

Applicant notes with appreciation that Claims 15-18, 20 and 35 are allowed.

2. Rejection of Claims 1-3, 12, 13, 21-23, 32 and 33 under 35 U.S.C. § 103(a) and objection to Claims 4, 5, 7, 9-11, 14, 24, 25, 27, 29-31 and 34.

Claims 1-3, 12, 13, 21-23, 32 and 33 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Bohm (6,520,104) in view of McGarvey (4,989,750), Dodson (5,960,981) and in further view of Legare (6,686,003). This rejection was made final. Claims 4, 5, 7, 9-11, 14, 24, 25, 27, 29-31 and 34 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, applicant has amended the Claims as follows to be in condition for allowance.

(a) With regard to Claims 1 and 4: Applicant has incorporated the allowable subject matter of Claim 4 into Independent Claim 1 to present the Claim in allowable form. Note that Applicant is using the allowable form of Claim 4 referenced in the Office Action dated 12/14/2005 where the phrase, "wherein said fire resistant solution remains liquid and is removable from said interstitial space in liquid form" is not an element of the allowable Claim. Further, Applicant is canceling dependent Claim 4 as the subject matter is now incorporated into Claim 1. Applicant believes that Claim 1 is now in condition for allowance as it recites the allowable subject matter in Claim 4. Applicant requests the Examiner remove the rejection of Claim 1 and pass the application to issue on the next office action.

(b) With regard to Claims 9 and 10: Dependent Claim 9 has been amended to independent form to be in condition for allowance. Note that Applicant is using the

allowable form of Claim 9 referenced in the Office Action dated 12/14/2005 where the phrase, "wherein said fire resistant solution remains liquid and is removable from said interstitial space in liquid form" is not an element of the allowable Claim. Claim 10 depends from allowable Claim 9 and is a *fortiori* allowable.

(c) With regard to Claim 5: This Claim has been amended to multi-dependent form to depend from Claim 1 or 9. Applicant believes that Claim 5 is now in condition for allowance.

(d) With regard to Claims 2, 3, 7, 11, 12, and 13: These dependent claims have been amended to multi-dependent form to depend from Claim 1 or 9. Claims 1 and 9 have been amended to recite allowable subject matter as discussed above, therefore Claims 2, 3, 7, 11, 12, and 13, are a *fortiori* allowable.

(e) With regard to Claim 14: This claim depends from Claim 13. Applicant believes that Claim 13 as amended is allowable, therefore Claim 14 is a *fortiori* allowable.

(f) With regard to Claims 21 and 27: Applicant has incorporated the allowable subject matter of Claim 27 into Independent Claim 21 to present the claim in allowable form. Further, Applicant is canceling dependent Claim 27 as the subject matter is now incorporated into Claim 21. Applicant believes that Claim 21 is now in condition for allowance as it recites the allowable subject matter in Claim 27. Applicant requests the Examiner remove the rejection of Claim 21 and pass the application to issue on the next office action.

(g) With regard to Claims 29 and 30: Dependent Claim 29 has been amended to independent form to be in condition for allowance. Note that Applicant is using the allowable form of Claim 29 referenced in the Office Action dated 12/14/2005 where the phrase, "wherein said fire resistant solution remains liquid and is removable from said interstitial space in liquid form" is not an element of the allowable Claim. Claim 30 depends from allowable Claim 29 and is a *fortiori* allowable.

(h) With regard to Claims 22-25, 31, 32, and 33: These dependent claims have been amended to multi-dependent form to depend from Claim 21 or 29. Claims 21 and 29 have been amended to recite allowable subject matter as discussed above, therefore Claims 22-25, 31, 32, and 33, are *a fortiori* allowable.

(i) With regard to Claim 34: This Claim depends from Claim 33. Applicant believes that Claim 33 as amended is allowable, therefore Claim 34 is *a fortiori* allowable.

3. New Claim 36: New Claim 36 depends from Claim 1, 9 or 29 and recites, "wherein said fire resistant solution remains liquid and is removable from said interstitial space in liquid form." This claim recites additional limitations to amended Claim 1, 9 or 29 to more particularly claim the invention. Support for Claim 36 is found in paragraph [0049] of Applicant's specification. Since Claim 1, 9 and 29 have been amended to be in allowable form, Claim 36 should, *a fortiori*, be allowed.

4. Amendments Made Without Prejudice or Estoppel.

Notwithstanding the amendments made and accompanying traversing remarks provided above, Applicants have made these amendments in order to expedite allowance of the currently pending subject matter. However, Applicants do not acquiesce in the original ground for rejection with respect to the original form of these claims. These amendments have been made without any prejudice, waiver, or estoppel, and without forfeiture or dedication to the public, with respect to the original subject matter of the claims as originally filed or in their form immediately preceding these amendments. Applicants reserve the right to pursue the original scope of these claims in the future, such as through continuation practice, for example.

5. Conclusion.

Based on the foregoing, Applicants respectfully request that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the presently amended form of the claims, and that a Notice of Allowance be issued for the

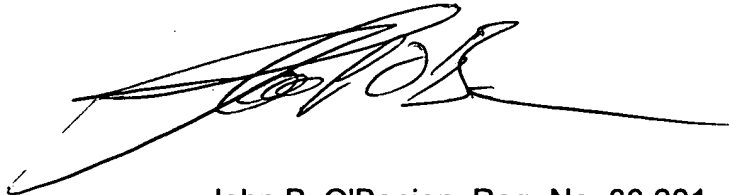
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Off. Act. Dated: 11/02/2006

present application to pass to issuance.

In the event any further matters remain at issue with respect to the present application, Applicants respectfully request that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

Date: 1/31/07

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. O'Banion', with a long horizontal line extending to the right.

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